

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NEXTGEAR CAPITAL, INC.,

Plaintiff,

v.

ANTONIO L. GUTIERREZ; PAUL
GUTIERREZ,

Defendants.

:
: CIVIL ACTION
:
: CASE NO.: 3:18-cv-01617-MEM
:
: ELECTRONICALLY FILED
: (Judge Mannion)
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**CERTIFICATION IN SUPPORT OF PLAINTIFF’S REQUEST FOR ENTRY OF
DEFAULT**

I, Nicholas M. Gaunce, Esq., certify, under penalty of perjury, that the following facts are true and correct:

1. I am an attorney for the Plaintiff, NextGear Capital, Inc. (“NextGear”), in this action. I make this certification based upon personal knowledge.

2. NextGear commenced this action by filing a complaint in the United States District Court for the Middle District of Pennsylvania on August 16, 2018.

3. On September 28, 2018, NextGear personally served a copy of its complaint and a summons upon Defendant, Antonio L. Gutierrez. NextGear’s proof of service in regards to Defendant, Antonio L. Gutierrez was filed on October 4, 2018 as document number five under the above docket number.

4. According to the Federal Rules of Civil Procedure, Defendant, Antonio L. Gutierrez had until October 19, 2018 to file a responsive pleading and/or seek an extension of his responsive pleading deadline.

5. As of today's date, Defendant, Antonio L. Gutierrez has not filed a responsive pleading in the above matter or sought an extension of time to do so. The deadline for Defendant, Antonio L. Gutierrez to do so has expired.

6. In light of Defendant, Antonio L. Gutierrez's failure to plead or otherwise respond to NextGear's complaint, NextGear respectfully requests the entry of default against Defendant, Antonio L. Gutierrez.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

ECKERT SEAMANS CHERIN & MELLOTT, LLC
Attorneys for Plaintiff, NextGear Capital, Inc.

By: /s/ Nicholas M. Gaunce
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Dated: November 6, 2018